

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

WILLIAM ELIJAH RIDDLE, A)	
MINOR, BY AND THROUGH HIS)	
GUARDIAN AD LITEM, HEATHER)	
MICHELLE RIDDLE,)	
)	
Plaintiff,)	
)	
v.)	
)	
NEIL ROGERS,)	
)	
Defendant.)	
)	

NOTICE OF REMOVAL TO FEDERAL COURT

NOW COMES the Defendant, **Neil Rogers**, by and through counsel, and pursuant to 28 U.S.C. § 1441 *et. seq.*, hereby removes the above captioned suit from the General Court of Justice, Superior Court Division, County of Haywood, to the United States District Court, Western District of North Carolina. In support thereof, Defendant shows the Court the following:

1. This action was commenced when the Plaintiff filed his complaint on April 10, 2024, and the Haywood County Deputy Clerk of Court executed a summons pursuant to Rule 3 of the North Carolina Rules of Civil Procedure on April 10, 2024, with the caption number 24 CVS 384. This action is now pending in the Superior Court of Haywood County.

2. Defendant Neil Rogers was served the Summons and Complaint via a Haywood County Sheriff's Deputy on April 22, 2024. Thus, this Notice of Removal is timely pursuant to 28 U.S.C. §1446(b).

3. The allegations contained within the Plaintiff's Complaint took place in Haywood County, North Carolina and therefore venue lies in the United States District Court for the Western District of North Carolina.

4. A copy of the Complaint and Summons is attached as Exhibit 1.

5. The Defendant will provide notice of this removal to the Superior Court Division of Haywood County, a copy of which is attached as Exhibit 2.

6. This action is a civil action which arises under federal law which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331, and it is one which may be removed to this Court by Defendant pursuant to 28 U.S.C. §§ 1441(a) under the procedure described in 28 U.S.C. § 1446.

7. Haywood County, where suit was originally filed, is in the United States District Court for the Western District of North Carolina, and thus, this Court is the appropriate removal Court pursuant to 28 U.S.C. §§ 113(c) and 1441(a).

8. The date on or before which Defendant Neil Rogers is required by the Rules of Civil Procedure of the State of North Carolina to answer or otherwise plead to Plaintiff's Complaint has not yet passed.

WHEREFORE, on the basis of the foregoing, Defendant Neil Rogers respectfully submits the removal of this action from the General Court of Justice, Superior Court Division, Haywood County to this Court is proper.

THIS the 22nd day of May 2024.

CAMPBELL SHATLEY, PLLC

s/Ashley F. Leonard
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this *Notice of Removal to Federal Court* in the above-entitled action upon all parties to this cause via electronic service to all counsel who have consented to same via the Court's CM/ECF system:

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THIS the 22nd day of May 2024.

s/Ashley F. Leonard
Ashley F. Leonard